

AMENDED IN ASSEMBLY JANUARY 15, 1998

AMENDED IN ASSEMBLY JANUARY 8, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1392

Introduced by Assembly Member Scott
(Coauthor: Assembly Member Hertzberg)
(Coauthor: Senator Peace)

February 28, 1997

An act to amend Section 606 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1392, as amended, Scott. Juveniles: criminal trials.

Existing law, the Arnold-Kennick Juvenile Court Law, provides that any person under the age of 18 when he or she violates a law defining crime, other than a curfew ordinance based on age, is within the jurisdiction of the juvenile court, which may adjudge the person to be a ward of the court. Moreover, when a petition has been filed in a juvenile court, the minor who is the subject of the petition may not thereafter be subject to criminal prosecution based on the facts giving rise to the petition unless the juvenile court finds that the minor is not a fit and proper subject to be dealt with under ~~this chapter~~ *the juvenile law* and orders that criminal proceedings be resumed or instituted against the minor.

This bill, to be known and cited as the *Hertzberg-Scott-Peace Expedited Remand Act*, would

provide, as a further exception to the latter prohibition, petitions transferred to a court of criminal jurisdiction pursuant to a specified provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *This act may be known as and shall be*
2 *cited as the “Hertzberg-Scott-Peace Expedited Remand*
3 *Act.”*

4 SEC. 2. Section 606 of the Welfare and Institutions
5 Code is amended to read:

6 606. When a petition has been filed in a juvenile court,
7 the minor who is the subject of the petition shall not
8 thereafter be subject to criminal prosecution based on the
9 facts giving rise to the petition unless the juvenile court
10 finds that the minor is not a fit and proper subject to be
11 dealt with under this chapter and orders that criminal
12 proceedings be resumed or instituted against him or her,
13 or the petition is transferred to a court of criminal
14 jurisdiction pursuant to subdivision (b) of Section 707.01.

